

James R. Mountain
Governor



Pueblo de San Ildefonso
Office of the Governor

September 1, 2006

Martin W. Aguilar
1st Lieutenant Governor

Erik Fender
2nd Lieutenant Governor

Bryan Montoya
Head Sheriff

Raymond J. Martinez
Assistant Sheriff

Laurencee Pena
Head Fiscale

Terrence Garcia
Assistant Fiscale

Vincent Kaniatobe
Assistant Fiscale

Perry Martinez
Head War Captain

Edmund L. Gonzales
1st Asst. War Captain

Christopher Moquino
2nd Asst. War Captain

Phillip Kaniatobe
Assistant War Captain

Timothy Martinez
Assistant War Captain

Michael Aguilar
Assistant War Captain

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Section 1813 ROW Study

OFFICE OF INDIAN ENERGY AND ECONOMIC DEVELOPMENT

Room 20--South Interior Building

1951 Constitution Avenue NW

Washington, DC 20245.

RE: Section 1813 Draft Report Comments

Greetings:

The Pueblo de San Ildefonso ("Pueblo"), a federally-recognized Indian tribe located in northern New Mexico, reviewed the Energy Policy Act of 2005, Section 1813 Right of Way Draft Report to Congress ("Draft Report") and provides this letter to submit comments on behalf of the Pueblo. We respectfully request that the Departments of Energy and the Interior ("Departments"), in their final report to Congress, recommend that no legislative action for rights-of-ways ("ROW") on Indian lands be taken. Furthermore, we request that the Departments omit the options contained in the Draft Report, as they are unnecessary for maintaining the tribal consent requirement contained in 25 CFR § 169.3(a). The existing tribal consent requirement supports self-determination and tribal sovereignty doctrines recognized in federal law and policy. We do not think Congress should be asked to reconsider existing policy regarding ROW on Indian lands. We request the Draft Report be revised to make such a recommendation.

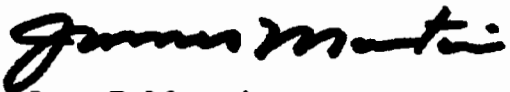
The Pueblo makes such requests after the Draft Report found that tribal ROW negotiations had no significant impacts on the availability or cost of energy to consumers or on national security. Indian tribes, as sovereign nations, have a right to negotiate the terms of ROWs, based on a tribe's valuation of its lands in consideration of distinct beliefs and values. Any congressional legislation interfering with the tribes' rights to negotiate ROWs would place tribes at a disadvantage to control what occurs within their own territories;

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whereas, wealthy energy companies merely dissatisfied with negotiation terms would be placed at an unfair advantage in what is supposed to be a free market, where each party is free to agree or not to terms in a negotiation.

The Pueblo has successfully negotiated duration, compensation and other terms of several ROW agreements and leases that have proved beneficial in both government-to-government and business relationships. Such agreements and leases have provided money to support tribal administration and programs necessary to sustain functions of the Pueblo government. For the foregoing reasons, the Pueblo requests that the Departments, in their Final Report to Congress, take the position that tribes have the right to negotiate ROW terms and that no changes to the tribal consent requirement be taken now or in the future.

Respectfully submitted,



James R. Mountain
Governor

cc: Senator Jeff Bingaman
Senator Pete Domenici
Representative Tom Udall